

5. Defendants deny Paragraph 5 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
6. Defendants admit Cuyahoga County is a county in the State of Ohio but deny the remaining allegations contained in Paragraph 6 of the Complaint.
7. Defendants admit that Defendant Reid is the Sheriff of Cuyahoga County. Defendants deny Plaintiff has a basis upon which to sue Defendant Reid in his individual or official capacity as is asserted in Paragraph 7 of the Complaint.
8. Defendants admit that this Court has subject matter jurisdiction over this matter.
9. Defendants admit venue is proper.
10. Paragraph 10 of the Complaint states alleged facts and opinions that do not involve the Defendants and allege abstract or hypothetical scenarios, or legal conclusions which require no response. To the extent that the remainder of Paragraph 10 purports to assert allegations of fact, Defendants deny such allegations.
11. Defendants admit that the Sheriff sometimes takes custody of prisoners arrested by local police after a probable cause determination is made by a municipal court judge. Defendants deny the remainder of the allegations contained in Paragraph 11 of the Complaint.
12. Defendants deny the allegations contained in Paragraph 12 of the Complaint. Further answering, Defendants state that there is absolutely no agreement regarding bond being set exclusively by the Cuyahoga County Common Pleas Court; indeed, it is the municipal court judges that determine whether to set bond or to have bond set by the common pleas court. See Exhibit "A" attached hereto.
13. Defendants deny the allegations contained in Paragraph 13 of the Complaint.
14. Defendants deny the allegations contained in Paragraph 14 of the Complaint.

15. Upon information and belief, Defendants admit the allegations contained in Paragraph 15 of the Complaint. See Exhibit "A".
16. Upon information and belief, Defendants admit the allegations contained in Paragraph 16 of the Complaint. See Exhibit "A".
17. Defendants deny the allegations contained in Paragraph 17 of the Complaint. See Exhibit "A".
18. Defendants admit that Plaintiff was booked into the Cuyahoga County Jail on Wednesday February 22, 2012 at approximately 11:00 AM. Further answering, Defendants deny all remaining allegations contained in Paragraph 18 of the Complaint.
19. Defendants deny the allegations contained in Paragraph 19 of the Complaint.
20. Defendants deny the allegations contained in Paragraph 20 of the Complaint.
21. In response to Paragraph 21 of the Complaint, Defendants admit that Plaintiff is attempting to bring this matter as a class action pursuant to Rule 23, but Defendants deny all other allegations and that a class should be certified under Rule 23.
22. Defendants deny the allegations contained in Paragraph 22 of the Complaint.
23. Defendants deny the allegations contained in Paragraph 23 of the Complaint.
24. Defendants deny the allegations contained in Paragraph 24 of the Complaint.
25. Defendants deny the allegations contained in Paragraph 25, including subparts, of the Complaint.
26. Defendants deny the allegations contained in Paragraph 26 of the Complaint.
27. Defendants deny the allegations contained in Paragraph 27 of the Complaint.
28. Defendants restate their responses to Paragraphs 1-27 of the Complaint.

29. Defendants admit that Plaintiff is attempting to bring Count I against Defendant Reid in his official capacity, as alleged in Paragraph 29 of the Complaint, but deny any legal or factual basis for such action.
30. Defendants deny Paragraph 30 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
31. Defendants deny Paragraph 31 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
32. Defendants deny the allegations contained in Paragraph 32 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
33. Defendants deny the allegations contained in Paragraph 33 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
34. Defendants deny the allegations contained in Paragraph 34 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
35. Defendants deny the allegations contained in Paragraph 35 of the Complaint.
36. Defendants deny the allegations contained in Paragraph 36 of the Complaint.
37. Because the allegations contained in Paragraph 37 do not plead any facts that would permit a definitive response, Defendants deny Paragraph 37 for want of knowledge or information.
38. Defendants deny the allegations contained in Paragraph 38 of the Complaint.
39. Defendants restate their responses to Paragraphs 1-38 of the Complaint.
40. Defendants admit that Plaintiff is attempting to bring Count II against Defendant Reid in his official and individual capacity, as alleged in Paragraph 40 of the Complaint, but deny any legal or factual basis for such action.
41. Defendants deny Paragraph 41 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.

42. Defendants deny Paragraph 42 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
43. Defendants deny the allegations contained in Paragraph 43 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
44. Defendants deny the allegations contained in Paragraph 44 of the Complaint for want of knowledge or information sufficient to form a belief as to its truth.
45. Defendants deny the allegations contained in Paragraph 45 of the Complaint.
46. Defendants deny the allegations contained in Paragraph 46 of the Complaint.
47. Defendants deny the allegations contained in Paragraph 47 of the Complaint.
48. Defendants deny the allegations contained in Paragraph 48 of the Complaint.
49. Defendants deny the allegations contained in Paragraph 49 of the Complaint.

AFFIRMATIVE DEFENSES

50. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
51. Defendant Reid is entitled to qualified immunity.
52. Defendant Reid was acting pursuant to an order of the municipal court. See Exhibit "A".
53. Defendants are entitled to absolute judicial or quasi-judicial immunity.
54. Plaintiff has failed to exhaust his administrative remedies.
55. Defendants are entitled to all immunities and defenses for any state law torts pursuant to Ohio Rev. Code § 2744, et seq.
56. Plaintiff's damages, if any, are the result of events or circumstances, intervening or otherwise, beyond the control of these Defendants.
57. If Plaintiff sustained any of the damages alleged in the Complaint, such damages were caused, or were contributed to, by Plaintiff's own comparative negligence, intentional acts, culpable conduct, and express or implied assumption of the risk.

58. Defendants are entitled to the benefit of any limitations or reductions in damages established in R.C. Ch. 2744.

59. Plaintiff's claims are barred by the Eleventh Amendment.

60. Plaintiff's claims are time-barred by the applicable statute of limitations.

61. Plaintiff is not entitled to recover punitive damages.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendants respectfully request that this Honorable Court enter judgment in their favor and dismiss Plaintiff's Complaint, with prejudice, at Plaintiff's costs.

JURY DEMAND

These Defendants demand a trial by jury upon all issues so triable.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2012, this *Answer* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Sara E. DeCaro
Assistant Prosecuting Attorney